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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/448,088	11/23/99	RICHLEY	E D/98588

025453
PATENT DOCUMENTATION CENTER
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MMC2/0719

EXAMINER	
LE,U	
ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 07/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/448,088	RICHLEY ET AL.	
	Examiner	Art Unit	
	Uyen-Chau N. Le	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-8 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-8 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowers et al (US 5,963,134).

Re claims 1 and 4, Bowers et al discloses a system 10 for identification and tracking of tags 54 distributed in a room. The system comprising a laser base station 42 for scanning laser

beam; a tag 54 reactive to incident laser beams; and a tag tracking system 52 receiving input from the laser base station 42; the tag tracking system 52 storing state records of position and information content of the tag 54; wherein the tag 54 is passive (figs. 1-4; col. 7, line 8 through col. 10, line 64).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al in view of Teitel et al (US 5,812,257). The teachings of Bowers et al have been discussed above.

Re claim 2, see discussion re claim 1. Bowers et al have been discussed above but fails to expressly disclose or fairly suggest teaches that the tag tracking system determines angular position of the tag with respect to the laser base station.

Teitel et al teaches the above limitation in col. 1, lines 10-13.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Teitel et al into the teachings of Bowers et al in order to provide Bowers et al with a more accurate system, wherein the exact location/position of an object can be determined. Furthermore, such modification would have Bowers et al with a more user-friendly system, in which it would provide the user an organized inventory storage record and would save a lot of time for the user in finding an object. Accordingly, such modification would have been an obvious extension as taught by Bowers et al, well within ordinary skill in the art, and therefore an obvious expedient.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al in view of Kibrick (US 4,901,073). The teachings of Bowers et al have been discussed above.

Re claim 3, see discussion re claim 1. Bowers et al teaches that the system further comprising at least two laser base stations 42 (col. 8, lines 1-20) but fails to teach or fairly suggest that the tag tracking system determines absolute position of the tag.

Kibrick teaches the above limitation in the abstract, lines 1-15.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Kibrick into the teachings of Bowers et al in order to provide Bowers et al with a more accurate system, wherein the exact location/position of an object can be determined. Furthermore, such modification would have Bowers et al with a more user-friendly system, in which it would provide the user an organized inventory storage record and would save a lot of time for the user in finding an object. Accordingly, such

modification would have been an obvious extension as taught by Bowers et al, well within ordinary skill in the art, and therefore an obvious expedient.

10. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al in view of Moran et al (US 6,005,482). The teachings of Bowers et al have been discussed above.

Re claims 5-8, see discussion re claim 1. Bowers et al have been discussed above but fails to expressly disclose or fairly suggest that the tag is active, having an internal power supply to power a data broadcast element; an optical data output element; a radio data output element; an acoustic data output element.

Moran et al teaches the above limitation in fig. 3; col. 8, line 47 through col. 9, line 10.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Moran et al into the teachings of Bowers et al in order to provide Bowers et al with a more user-friendly system, wherein the user has the flexibility to retrieve the output data in various of forms (i.e., optical form, radio form, or acoustic form, etc.). Furthermore, such modification would have been an obvious extension as taught by Bowers et al, well within ordinary skill in the art, and therefore an obvious expedient.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Wiklof et al (US 6,056,199); Huang et al (US 6,060,992); DeTemple et al (US 5,572,653); Vega et al (US 6,252,508 B1); Vercellotti et al (US 5,317,309); Hutchison (US

5,218,189); Holland (US 4,746,830); Palmer et al (US 5,530,702); Guthrie (US 5,565,858); and Dingwall et al (US 5,502,445) are cited as of interest and illustrate a similar structure to a laser locating and tracking system for externally activated tags.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 703-306-5588. The examiner can normally be reached on M-T and TR-F 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Uyen-Chau N. Le

July 13, 2001

KARL D. FRECH
PRIMARY EXAMINER